

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

I. Status of the claims

No claims are newly added, amended, cancelled or withdrawn. A listing of claims is provided solely for the Examiner's convenience. Pending are independent claims 85, 93 and 100, and dependent claims 86-89, 91, 92, 94-96, 98, 99, 101-105, 107, 108 and 142-148. Favorable consideration of the claims is requested.

II. There is only a single remaining basis of rejection

According to the Non-Final Office Action dated December 13, 2011, all prior objections and rejections are overcome. The sole basis of rejection, newly asserted, lies under the judicially-created doctrine of obviousness-type double patenting.

III. The obviousness type double patenting rejection is overcome by the Terminal Disclaimer.

The Examiner alleges that claims 85, 91-93, 98 and 99 are obvious variants of claims 1, 97-130, 132 and 133 of Application No. 12/089,806, which has since issued on January 3, 2012, as U.S. Patent No. 8,088,896. This rejection is believed to be overcome by the accompanying Terminal Disclaimer over U.S. Patent No. 8,088,896. This Terminal Disclaimer is filed solely to advance prosecution, and without acquiescence to the rejection.

CONCLUSION

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Examiner Gussow is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4726
Facsimile: (202) 672-5399

Simon J. Elliott, J.D. Ph.D.
Attorney for Applicant
Registration No. 54,083